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11 11 AEROFLEX COLORADO SPRINGS, INC., AMI
12 12 SEMICONDUCTOR, INC., MATROX ELECTRONIC
13 13 SYSTEMS, LTD., MATROX GRAPHICS INC., MATROX
14 14 INTERNATIONAL CORP., and MATROX TECH, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

12 | RICOH COMPANY, LTD.,

Case No. C03-4669 MJJ (EMC)

13 Plaintiff,

Case No. C03-2289 MJJ (EMC)

14 vs.

**NOTICE OF UNOPPOSED MOTION AND
UNOPPOSED ADMINISTRATIVE
MOTION (Civ. L.R. 7-11) FOR EXPEDITED
CONSIDERATION OF THE PARTIES'
JOINT LETTERS**

15 AEROFLEX INCORPORATED, AMI
16 SEMICONDUCTOR, INC., MATROX
17 ELECTRONIC SYSTEMS LTD., MATROX
18 GRAPHICS INC., MATROX
19 INTERNATIONAL CORP., MATROX TECH,
20 INC., AND AEROFLEX COLORADO
21 SPRINGS, INC.

Judge: Hon. Edward M. Chen

19 | Defendants.

20 | SYNOPSYS, INC.,

21 Plaintiff,

22

23 RICOH COMPANY, LTD.,

24 Defendant.

NOTICE OF UNOPPOSED MOTION

2 Plaintiff Synopsys, Inc. and Defendants Aeroflex Incorporated, Aeroflex Colorado Springs,
3 Inc., AMI Semiconductor, Inc., Matrox Electronic Systems Ltd., Matrox Graphics Inc., Matrox
4 International Corp., and Matrox Tech, Inc. (collectively “Synopsys and Customer Defendants”) seek
5 expedited review and a ruling on the parties’ joint letters concerning individual deponents in Japan.
6 Ricoh does not oppose this motion. Declaration of Jaclyn C. Fink In Support of Synopsys’ and the
7 Customer Defendants’ Request for Expedited Consideration of the Parties’ Joint Letter Concerning
8 Individual Deponents in Japan (“Fink Decl.”), ¶ 2.

UNOPPOSED MOTION

10 Synopsys and the Customer Defendants request that this Court consider and rule upon the
11 parties' two joint letters filed March 28, 2006 ("the joint letters") on an expedited basis. Ricoh does
12 not oppose this motion. (Fink Decl., ¶ 2). The joint letters concern Synopsys' and the Customer
13 Defendants' requests for depositions of individuals in Japan on issues related to the laches defense and
14 infringement, and Ricoh's subsequent refusals to provide the requested witnesses. Expedited review
15 and decision on the issues presented in the joint letters is essential because Synopsys and the Customer
16 Defendants seek to take additional depositions in Japan in little over 2 weeks, and, if that relief is
17 granted, the parties will have to scramble to obtain the appropriate visas before leaving for Japan. The
18 request for these visas must include the name of each witness to be deposed, which depends on this
19 Court's decision as to which witnesses may be deposed. Moreover, a certified copy of a court order
20 authorizing the depositions and including the name of each deponent is also required. With the
21 deposition dates rapidly approaching, each day of delay decreases the likelihood that such visas will be
22 granted in a sufficiently timely manner.

23 As the Court may be aware, procedures for taking depositions in Japan are Byzantine. Foreign
24 attorneys taking depositions in Japan must apply for a “special deposition visa” at the Japanese
25 Embassy or a Japanese Consulate in the United States. (Fink Decl. Exh. 1.) Deposition visas must be
26 applied for at least two weeks prior to departure for Japan, and must include very specific information
27 for grant of a visa to be considered. (*Id.*) The U.S. Embassy in Tokyo suggests that visa requests be
28 made at least three weeks prior to the deposition. (Fink Decl. Exh. 2.) The information required in the

1 visa request includes: (a) the name and location of the court; (b) name and occupation of each witness;
 2 and (c) a summary of the case. (Fink Decl. Exh. 1.) Accordingly, the names of each witness must be
 3 known before the visa request is made. Furthermore, a certified copy of the court order listing the
 4 names of all the deponents, as well as all the other participants in the proceeding, must also be
 5 provided to the embassy. (Fink Decl. Exh. 3.)¹

6 Resolution of this dispute must occur extremely quickly so that the appropriate individual
 7 deponents may be named on the visa requests, and because the embassy also requires a certified copy
 8 of the court order naming each deponent. Although a court order naming only the Rule 30(b)(6)
 9 deponents has been issued in this case, the individual deponents are not yet named on a court order.
 10 Counsel for the parties are currently scheduled to travel to Japan for depositions starting on April 13,
 11 2006, and running through April 20. Counsel for Synopsys and the Customer Defendants are
 12 scheduled to leave for Japan on April 8, 2006 — less than two weeks away. By any measure, the time
 13 period for requesting the necessary visas for the upcoming depositions in Japan is rapidly running out.
 14 Accordingly, the timing of this Court's decision on the issues presented by the parties' joint letter
 15 affects the visa application process. This Court is therefore requested to decide the issues presented by
 16 the parties' joint letter on an expedited basis.

17 Counsel for Synopsys and the Customer Defendants respectfully requests this Court to resolve
 18 the issues presented in the joint letters on an expedited basis to set forth which witnesses Synopsys and
 19 the Customer Defendants are entitled to depose in Japan in April, permitting the parties to make the
 20 necessary visa requests and other arrangements as soon as possible.

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26 1 In addition, depositions may not be taken in any other location but at a U.S. Embassy, and a room at the U.S. Embassy
 27 must be reserved far in advance. Thus, if the individual depositions do not happen in April, scheduling further deposition
 28 time in Japan at an embassy may be impossible before the close of discovery. For example, the next available dates for
 scheduling a deposition at the U.S. Embassy in Tokyo are August 28, 2006, only, and November 20, 2006 onward. Fink
 Decl. Exh.2.

1 Dated: March 28, 2006

Respectfully submitted,

2 HOWREY LLP

3

4 By: /s/Denise M. De Mory

5 Denise M. De Mory

6 Attorneys for Plaintiff
7 SYNOPSYS, INC. and for Defendants
8 AEROFLEX INCORPORATED,
9 AEROFLEX COLORADO SPRINGS,
10 INC., AMI SEMICONDUCTOR, INC.,
11 MATROX ELECTRONIC SYSTEMS,
12 LTD., MATROX GRAPHICS, INC.,
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ADMINISTRATIVE MOTION FOR EXPEDITED
CONSIDERATION OF THE PARTIES' JOINT LETTER